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March 3, 2021

BY ECF & EMAIL
Hon. Paul A. Engelmayer
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *United States v. Juan Rodriguez*
12 Cr. 790 (PAE)
21 Civ. 471 (PAE)

Dear Judge Engelmayer:

Pursuant to the Court's order of February 17, 2021 (Dkt. 155), I have had the opportunity to fully discuss with my client, Juan Rodriguez, the merits of his pending *pro se* §2255 motion (Dkt. 150). Unfortunately, Mr. Rodriguez misread a portion of the Court's July 1, 2020 (Dkt. 149) decision denying his initial motion requesting compassionate release. He mistakenly believed that the Government had alleged, and the Court credited, that Mr. Rodriguez had been convicted of a crime prior to this case. Having cured this misunderstanding, Mr. Rodriguez seeks, through counsel, to request leave of the Court to withdraw his pending §2255 motion (Dkt. 150).

Thank you for your consideration of this request.

Respectfully Submitted,

Ken Womble

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Zeman & Womble, LLP

Cc: AUSA Samson Enzer

Granted. In light of Mr. Rodriguez's decision to withdraw his § 2255 motion, the Court dismisses that motion without prejudice. The Clerk of Court is respectfully directed to terminate the motion pending at docket 150 in 12 Cr. 790 and to close civil case No. 21 Civ. 471.

SO ORDERED.

March 4, 2021

Paul A. Engelmayer
PAUL A. ENGELMAYER
United States District Judge